



ATTORNEY DOCKET NO.: 150199

PATENT APPLICATION

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Leonard Lap Tat Kee

Confirmation No.: 5117

Application No.: 10/685,595

Examiner: B.M. Johnson

Filing Date: October 16, 2003

Group Art Unit: 3634

Title: FABRIC DECORATIVE ASSEMBLY AND METHOD OF USE THEREOF

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

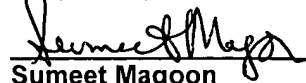
- ☐ Response/Amendment ☐ Petition to extend time to respond
☐ New fee as calculated below ☐ Supplemental Declaration
☒ No additional fee
☒ Other: RESPONSE TO ELECTION OF SPECIES REQUIREMENT (fee \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	25	MINUS	25	= 0	X \$50	\$ 0
INDEP. CLAIMS	6	MINUS	6	= 2	x \$200	\$ 0
[]	FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00 <input type="checkbox"/>	2ND MONTH \$450.00 <input type="checkbox"/>	3RD MONTH \$1,020.00 <input type="checkbox"/>	4TH MONTH \$1,590.00 <input type="checkbox"/>		\$ 0
OTHER FEES						\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Please charge **\$0.00** to **Deposit Account No. 50-2849** to cover the above fees. In the event any difference exists between the amount authorized to be charged and the actual charges, please charge or credit any such difference to **Deposit Account No. 50-2849**.

ANDREWS KURTH LLP
Intellectual Property Department
1701 Pennsylvania Avenue, N.W.
Suite 300
Washington, D.C. 20006
Telephone No.: (202) 662-2700
Facsimile No.: (202) 662-2739

Respectfully submitted,


Sumeet Magoon
Attorney/Agent for Applicant(s)
Reg. No. 43,769

Date: January 13, 2005

- Attach as First Page to Transmitted Papers -



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/685,595
Applicant : Leonard Lap Tat Kee
Filed : October 16, 2003
Title : FABRIC DECORATIVE ASSEMBLY AND METHOD OF USE
THEREOF
TC/A.U. : 3634
Examiner : Johnson, Blair M.
Docket No. : 150199
Customer No. : 38598

Mail Stop Amendment

Commissioner of Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

This *Response and Election* is filed, pursuant to 37 C.F.R. § 1.143 and § 1.146, in reply to the Election of Species Requirement mailed by the Patent & Trademark Office on December 14, 2004.

Claims 1-25 (original) are pending in the current application. The Office Action states that the application contains claims directed to the following patentably distinct species of the claimed invention: Figs. 1A-C; Figs. 2A-C; Figs. 3A-C; Figs. 4A-C; and Fig. 5.

Applicant traverses the restriction requirement.

Applicant respectfully submits that the Office Action does not provide reasons and/or examples to support the conclusion that the application contains claims directed to the listed species as required by the MPEP. *See* MPEP § 803. The MPEP guidelines state that for the

purpose of the initial requirement related to a restriction (a generic term that includes election of species as stated in MPEP § 802.02) requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or different field of search. *See* MPEP § 803. Applicant submits that the Office Action fails to meet its burden. The Office Action merely lists the alleged distinct species and requires Applicants to make an election. The Office Action offers no explanation in support of the separate species classification as required by the MPEP.

Applicant believes that search and examination of the entire application can be made without serious burden on the Patent Office. Applicant submits that the application contains a reasonable number of species that can be examined together without serious burden on the Patent Office. Applicant respectfully requests withdrawal of the election of species requirement and requests examination of the current application on the merits.

Below, Applicant has grouped the claims and identified the species the claims read on. Also, Applicant makes a provisional election based on the below groupings. Based on Applicant's analysis:

- Group 1 includes claims 1-5, 8, 12-15 and 21-24 that read on Figs. 1A-1C and Figs. 3A-3C;
- Group 2 includes claims 1-8, 11-16 and 21-24 that read on Figs. 2A-2C;
- Group 3 includes claims 1-5, 8, 11-12, 14-15 and 21-24 that read on Figs. 4A-4C; and
- Group 4 includes claims 1-3, 8-10 and 17-25 that read on Fig. 5.

In the event the Examiner disagrees with the Applicant's grouping of the claims, Applicant requests that the Examiner provide alternative grouping of the claims.

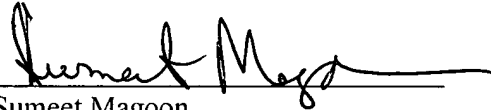
Based on the above groupings, Applicant provisionally elects Group 2 that includes claims 1-8, 11-16 and 21-24 that read on Figs. 2A-2C, for examination.

Applicant reserves the right to prosecute the remaining claims by filing one or more divisional applications.

In view of the above remarks, Applicant respectfully requests examination of the current application on the merits and submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



Sumeet Magoon
Registration No. 43,769
Andrews Kurth LLP
1701 Pennsylvania Ave, N.W.
Suite 300
Washington, DC 20006
Tel. (202) 662-2700
Fax (202) 662-2739

Date: January 13, 2005